

## **REMARKS**

Claims 10, 17, and 20-26 remain pending.

### **Rejection Under 35 U.S.C. § 103(a) over Lahiff in View of Arnold et al.**

Claims 10, 17, and 20-26 stand rejected as unpatentable over Lahiff in view of Arnold et al. Applicants respectfully traverse the rejection and request reconsideration of the claims.

The Examiner's attention is respectfully drawn to the Declaration of Joseph D. Rainville Under 37 C.F.R. § 1.132. Mr. Rainville, an engineer with considerable expertise in the area of fuel cells, compressors, and automotive vehicle systems provides us with an expert discussion of the contents of the Lahiff and Arnold publications underlying this rejection.

Applicants also draw the examiner's attention to the phrase in claim 10, at the end of the claim: "wherein said controller controls charging of said supplemental power source comprising regenerative braking of the compressor motor that converts mechanical energy into charging current." This action does not take place in Lahiff.

According to Mr. Rainville, the Lahiff publication describes using the Lahiff fuel cell compressor to dissipate ("waste") excess electrical power. This is quite the opposite of what the present invention does, which is to conserve energy from the fuel cell compressor. The Lahiff publication teaches away from Applicants' invention, and thus does not make Applicants' invention obvious. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or *would be led in a direction divergent from the path that was taken by the applicant.*" *Optivus Tech., Inc. v. Ion Beam Applications S.A.*, 469 F.3d 978, 989 (Fed. Cir. 2006) (quoting *In re Kahn*, 441 F.3d 977, 990 (Fed. Cir. 2006)) (emphasis added). Nor does the Arnold patent